

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JAMES RUDY LEACH**

**PETITIONER**

**v.**

**No. 1:21CV146-SA-DAS**

**UNITED STATES OF AMERICA**

**RESPONDENT**

**ORDER GRANTING PETITIONER'S MOTION [10]  
TO RECONSIDER COURT'S OCTOBER 6, 2021, ORDER OF DISMISSAL**

This matter comes before the court on the motion [10] by the petitioner under Fed. R. Civ. P. 60(b) for the court to reconsider its order [8] dismissing the instant case without prejudice for failure to pay the filing fee by the 21-day deadline. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. The petitioner argues that he submitted his fee before the deadline expired, but the prison mail officials did not send it in a timely manner. The court finds that the petitioner has shown a "reason that justifies relief" under Rule 60(b)(6). The instant motion is thus well taken and is **GRANTED**. The Clerk of the Court is **DIRECTED** to **REINSTATE** this case to the active docket.

**SO ORDERED**, this, the 2nd day of March, 2022.

/s/ Sharion Aycock  
U. S. DISTRICT JUDGE